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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,517	10/05/1999	JAMES EDWIN HAILEY	RCA-88469	6040

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/402,517

Applicant(s)

HAILEY ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,990,883 to Byrne in view of U.S. Patent 6,052,556 to Sampsell.

Regarding claims 1, 8, and 10-16, Byrne discloses in Figures 1-3, a STB 20 with a satellite interface 38 and internet interface 36; microprocessor 30 collates EPG data from the various sources to create a composite program guide (Figure 3) and stores this data in memory 32, (column 2, line 51-column 4, line 50, column 4, line 65-67, column 5, line 20-column 6, line 10). Byrne does not disclose initiating communications automatically between the set top box and an external source. Sampsell discloses a television and consumer device network which utilizes the IEEE 1394, USB and CEBUS to interconnect a number of diverse devices, updates from a pager system are displayed on the television in response to commands issued by a controller within a receiver (column 2, line 54-column 4, line 52, line 65-lcolumn 7, line 14). Sampsell inherently initializes automatic communications between devices because Sampsell makes use of the USB standard. A USB equipped device constantly polls devices on the network, thus discovering when a new device is added to the network, and then enables communications with that device. The examiner takes official notice that

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automatic synchronization of data between devices is well known in the art (for example synchronizing email between a laptop and a home computer). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Byrne to include the bus systems of Sampsell thereby allowing automatic status updates between a number of devices, thereby allowing them to synchronize data.

Regarding claim 2, Sampsell discloses that a messaging pager 32 uploads received and stored messages to the receiver/display in response to commands by a controller within a receiver (column 3, lines 6-52).

Regarding claims 3-7, Sampsell discloses a television and consumer device network which utilizes the IEEE 1394, USB and CEBUS to interconnect a number of diverse devices (column 2, line 54-column 4, line 52, line 65-lcolumn 7, line 14). The polling, communications, and autodiscovery functions of the USB bus occur whether or not a user interacts with a device, and also occur when a device is powered up. Additionally, the USB standard recognizes when the number of devices on a network has changed. The examiner takes official notice that automatic synchronization of data between devices is well known in the art (for example synchronizing email between a laptop and a home computer). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Byrne and Sampsell to synchronize data automatically between devices, therefore assuring that only the most recent data would be available to a user.

Regarding claim 9, Byrne discloses that initializing communication is preformed in response to prestored configuration data relating to device identification (Figure 3, column 3, lines 4-64).

Regarding claims 17 and 18, Byrne discloses in Figures 1-3, a STB 20 with a satellite interface 38 and internet interface 36, microprocessor 30 collates EPG data from the various sources to create a composite program guide (Figure 3) and stores this data in memory 32, (column 2, line 51-column 4, line 50, column 4, line 65-67, column 5, line 20-column 6, line 10). Byrne does not disclose initiating communications automatically between the set top box and an external source. Sampsell discloses a television and consumer device network which utilizes the IEEE 1394, USB and CEBUS to interconnect a number of diverse devices (column 2, line 54-column 4, line 52, line 65-lcolumn 7, line 14). Sampsell inherently initializes automatic communications between devices because Sampsell makes use of the USB standard. A USB equipped device constantly polls devices on the network, thus discovering when a new device is added to the network, and then enables communications with that device. The polling, communications, and autodiscovery functions of the USB bus are not user dependant and occur when a device is powered up. Additionally, the USB standard recognizes when the number of devices on a network has changed. The examiner takes official notice that automatic synchronization of data between devices is well known in the art (for example synchronizing email between a laptop and a home computer). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify

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Byrne to include the bus systems of Sampsell thereby allowing automatic status updates between a number of devices, thereby allowing them to synchronize data.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

HBL
December 13, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600